

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CHERYL McGEE,

Plaintiff,

v.

RYAN WALTERS, in his official capacity
as Superintendent of Public Instruction and
in his individual capacity,

and

MATT LANGSTON, in his official capacity
as Chief Policy Advisor, Administrative
Services, and in his individual capacity,

Defendants.

Civil Action No. 5:23-00475-G

DEFENDANT WALTERS' RESPONSES TO PLAINTIFF'S OPENING DISCOVERY

To: Plaintiff Cheryl McGee, by and through her attorneys of record, Amber L. Hurst and Mark E. Hammons, Hammons Hurst & Associates, 325 Dean A McGee Ave, Oklahoma City, OK 73102.

REQUESTS FOR ADMISSION

REQ. ADM. NO. 1: Admit that Plaintiff was an employee of the Oklahoma Department of Education.

RESPONSE: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity. Without waiving the foregoing objection, this request is admitted.

REQ. ADM. NO. 2: Admit that Plaintiff's employment with the Oklahoma Department of Education was involuntarily terminated.

RESPONSE: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.



REQ. ADM. NO. 3: Admit that Ryan Walters approved the termination of Plaintiff's employment.

RESPONSE: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

REQ. ADM. NO. 4: Admit that Matt Langston recommended the termination of Plaintiff's employment.

RESPONSE: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

REQ. ADM. NO. 5: Admit that Defendant Walters approved the "media policy" referenced in Defendants' Answer Par. 12.

RESPONSE: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

REQ. ADM. NO. 6: Admit that Defendant Walters approved the "email signed by Matt Langston" references in Defendants' Answer Par. 8.

RESPONSE: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

INTERROGATORIES

INT. NO. 1: Which person or persons made the decision to terminate the Plaintiff? Give the full name and job title for each person and, if any person is no longer employed by the Oklahoma Department of Education (hereafter "ODE"), give his or her last known home address, personal cell phone number, and personal email address.

ANSWER: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

INT. NO. 2: Identify by full name, job title, work location, and current employment status, each person who recommended, reviewed, or approved the decision to terminate Plaintiff's employment. If any such person is no longer an employee of the ODE, also provide that person's last known home address, personal cell phone number, and personal email address.

ANSWER: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

INT. NO. 3: Set out each reason for the termination of the Plaintiff.

ANSWER: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

INT. NO. 4: For each reason for the termination of the Plaintiff, set out each material act, omission, statement, or other thing making up each reason. Statements include both oral statements and writings. In the case of acts or omissions, describe the act or omission or other thing, giving the dates of each occurrence or of the omission. In the case of statements, set out each statement as close to verbatim as feasible, giving the date of each, and identifying (by name, job title, address, and phone number) each person who heard or received such statement.

ANSWER: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

INT. NO. 5: Identify by full name, job title, work location, and current employment status, each person who is believed to have personal knowledge of any of the facts requested to be disclosed in Int. No's 2 and 3 above. For each person identified, set out separately the material details of each act, omission, event, or statement believed to be known by each. If any such person is no longer an employee of the ODE, also provide that person's last known home address, personal cell phone number, and personal email address.

ANSWER: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

INT. NO. 6: Set out by date each instance where the Plaintiff was counseled, warned, or disciplined about any of the matters which are reasons for her termination. For each counseling, warning, or discipline, identify (by name, job title, address, and phone number) each person who participated in the counseling, warning, or discipline, and describe the substance of the counseling, warning, or discipline. "Participate," in the context of these interrogatories, means to recommend, approve, communicate the counseling, warning or discipline, or witness the counseling, warning, or discipline.

ANSWER: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

INT. NO. 7: Identify by full name, job title, work location, and current employment status, each person who supervised the Plaintiff at the time of Plaintiff's termination. If such person is no longer an employee of the ODE, also provide that person's last known home address, personal cell phone number, and personal email address.

ANSWER: Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity.

INT. NO. 8: For your Affirmative Defense No. 5, set out specifically each fact which is the basis for this claim. Identify by name, job title, home address, personal cell phone number, and personal email address each person who is claimed to have material knowledge of any of these facts. Identify by date, description, and Bates number each document which is material to such defense.

ANSWER: Defendant objects to this request as overbroad and burdensome as stated. Without waiving the foregoing objection, Defendant reserves the right to supplement this response as discovery progresses.

INT. NO. 9: For your Affirmative Defense No. 6, set out specifically each act or statement of the Plaintiff which is a material basis for this claim. Identify by name, job title, home address, personal cell phone number, and personal email address each person who is claimed to have material knowledge of any of these facts. Identify policy name and number and document name and number of each document, record, or other thing which makes up a material portion of this defense. Identify by date, description, and Bates number each document which is material to such defense.

ANSWER: Defendant objects to this request as overbroad and burdensome as stated. Without waiving the foregoing objection, Defendant reserves the right to supplement this response as discovery progresses.

INT. NO. 10: For your Affirmative Defense No. 7, set out specifically each act or statement of the Plaintiff which is a material basis for this claim. Identify by name, job title, home address, personal cell phone number, and personal email address each person who is claimed to have material knowledge of any of these facts. Identify policy name and number and document name and number of each document, record, or other thing which makes up a material portion of this defense. Identify by date, description, and Bates number each document which is material to such defense.

ANSWER: Defendant objects to this request as overbroad and burdensome as stated. Without waiving the foregoing objection, Defendant reserves the right to supplement this response as discovery progresses.

INT. NO. 11: For your Affirmative Defense No. 8, set out specifically each act or statement of the Plaintiff which is a material basis for this claim setting out specifically which doctrines of estoppel you claim, and acts or statements that support each separate doctrine you are raising. Identify by name, job title, home address, personal cell phone number, and personal email address each person who is claimed to have material knowledge of any of these facts. Identify policy name and number and document name and number of each document, record, or other thing which makes up a material portion of these defenses. Identify by date, description, and Bates number each document which is material to such defenses.

ANSWER: Defendant objects to this request as overbroad and burdensome as stated. Without waiving the foregoing objection, Defendant reserves the right to supplement this response as discovery progresses.

INT. NO. 12: Identify any facts, actions, or events which you assert impair the credibility of the Plaintiff or any person listed by the Plaintiff as a potential witness in this case either in pretrial disclosures or on any list of witnesses. You must supplement your answer each time a witness is identified by disclosures or other listings.

ANSWER: Defendant has not yet determined or otherwise asserted any facts or actions that impair the credibility any of the Plaintiff or any other potential witness. Defendant will supplement this response as discovery progresses.

INT. NO. 13: Identify by full name, home address, personal cell phone number, personal email, job title, work location, and current employment status, each person whom you believe has material knowledge of the facts materially relating to any claim, defense, any matter of impeachment or rebuttal, or as to the character or credibility of any party or witness in this case.

ANSWER: Defendant objects to this request as duplicative, overbroad, and burdensome as stated. Defendant objects to this request because it seeks information regarding the official operations of the Oklahoma State Department of Education but was directed to Defendant in his individual capacity. Without waiving the foregoing objections, Defendant's initial disclosures identify the relevant parties and witnesses. Defendant will supplement this response to identify any additional relevant parties and witnesses as discovery progresses.

INT. NO. 14: Separately, for each person identified in the preceding interrogatory, set out the particular acts, omissions, statements, or other material facts of which, to your understanding, such person has knowledge.

ANSWER: Defendant objects to this request for the same reasons mentioned in its answer to the preceding interrogatory. Without waiving the foregoing objections, Defendant reserves the right to supplement this response as discovery progresses.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQ. PROD. NO. 1: Produce the Plaintiff's complete personnel file. "Personnel file" includes hiring documents, records of performance and discipline, records of pay and benefits, the job description of the Plaintiff at the time of termination, and all records relating to termination or separation from employment.

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 2: Produce those documents showing Plaintiff's compensation during the last two years of her employment. This must include documents showing the company

provided benefits in which Plaintiff was enrolled and the dollar value on a monthly or annual basis for the company's portion of such benefits, and it must include each W-2 issued to the Plaintiff throughout the duration of her employment.

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 3: Produce every document or thing, including electronically stored information, company policies and procedures, and performance standards which you contend reflects, supports, or makes up a part of any claimed cause for terminating or separating the Plaintiff's employment. This must include the "media policy" referenced in Defendants' Answer Par. 12

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 4: Produce every statement obtained, complaint made, document or thing, including electronically stored information, which was investigated or considered in making the decision to terminate Plaintiff's employment.

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 5: Produce every memo, email, text, or other communication discussing the termination or potential termination of Plaintiff's employment, or recommending any alternative action as opposed to termination.

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 6: For each person who was placed in Plaintiff's position or who was given any material portion of Plaintiff's job duties following Plaintiff's termination, produce those documents which reflect each person's date of hire, records of performance and discipline, date placed in position or given duties, and, if applicable, date of separation.

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 7: Produce all those documents or things which are a material basis for Defendants' Affirmative Defense No. 5.

RESPONSE: Defendant objects to this request as overbroad and burdensome as stated. Without waiving the foregoing objection, all relevant documents have been produced by

Defendant or the Oklahoma State Department of Education in their motions to dismiss. Defendant further reserves the right to supplement this response as discovery progresses.

REQ. PROD. NO. 8: Produce all those documents or things which are a material basis for Defendants' Affirmative Defense No. 6.

RESPONSE: Defendant objects to this request as overbroad and burdensome as stated. Without waiving the foregoing objection, all relevant documents have been produced by Defendant or the Oklahoma State Department of Education in their motions to dismiss. Defendant further reserves the right to supplement this response as discovery progresses.

REQ. PROD. NO. 9: Produce all those documents or things which are a material basis for Defendants' Affirmative Defense No. 7.

RESPONSE: Defendant objects to this request as overbroad and burdensome as stated. Without waiving the foregoing objection, all relevant documents have been produced by Defendant or the Oklahoma State Department of Education in their motions to dismiss. Defendant further reserves the right to supplement this response as discovery progresses.

REQ. PROD. NO. 10: Produce all those documents or things which are a material basis for Defendants' Affirmative Defense No. 8.

RESPONSE: Defendant objects to this request as overbroad and burdensome as stated. Without waiving the foregoing objection, all relevant documents have been produced by Defendant or the Oklahoma State Department of Education in their motions to dismiss. Defendant further reserves the right to supplement this response as discovery progresses.

REQ. PROD. NO. 11: Produce the memoranda, emails, or other documents discussing, explaining, or adopting the "media policy" referenced in Defendants' Answer Par. 12.

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 12: Produce the memoranda, emails, or other documents discussing, explaining, or adopting the "email signed by Matt Langston" references in Defendants' Answer Par. 8. Produce all versions of the referenced email.

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 13: Produce unredacted versions of all documents which the ODE provided to or received from the OESC regarding any unemployment application of the Plaintiff.

RESPONSE: Defendant objects to this request because it seeks documents and information in the sole possession, custody, or control of the Oklahoma State Department of Education.

REQ. PROD. NO. 14: Produce any documents or print-outs of OSBI records checks, PACER or other court filings, credit reports or financial information, or internet searches of any kind that you conduct for potential use in this action.

RESPONSE: Defendant objects to this request as overbroad. Without waiving the foregoing objection, Defendant does not possess such responsive documents. Defendant reserves the right to supplement this response as discovery progresses.

REQ. PROD. NO. 15: Produce each thing which you now or hereafter identify as an exhibit, which you ask about, use, or reference in connection with any deposition or motion.

RESPONSE: Defendant objects to this request as vague and overbroad. Without waiving the foregoing objection, all responsive documents have been produced by Defendant or the Oklahoma State Department of Education in their motions to dismiss. Defendant further reserves the right to supplement this response as discovery progresses.

REQ. PROD. NO. 16: Produce each thing which you believe materially bears on the character or credibility of any party or person in this case. This includes materials which may be used to impeach any party or person.

RESPONSE: Defendant objects to this request as the word “thing” is vague and overbroad. Without waiving the foregoing objection, all responsive documents have been produced by Defendant or the Oklahoma State Department of Education in their motions to dismiss. Defendant further reserves the right to supplement this response as discovery progresses.

Respectfully submitted,

/s/ Timothy Davis
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**COUNSEL FOR DEFENDANTS RYAN
WALTERS AND MATT LANGSTON IN THEIR
INDIVIDUAL CAPACITIES.**

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, a true and correct copy of the foregoing was served on opposing counsel via e-mail.

/s/ Timothy Davis

Timothy Davis